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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/590,586    06/08/00    HOLMES

W    U6220/53569 *SM*

023378    PM82/0920  
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EXAMINER

BURCH, M

ART UNIT

PAPER NUMBER

3613

DATE MAILED:

09/20/01 *4*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/590,586

Applicant(s)

HOLMES ET AL.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3. 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the labels are handwritten and not clearly legible (e.g. the number assigned to the nut in figure 1 is not clearly shown. Correction is required.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: element number 46 mentioned on pg. 9 line 13. Correction is required.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spigot-facing surface, recess seat-facing surface, gland-facing surface of the compressible body and the back portion, gland meeting area, and seat meeting area of the locking member claimed particularly in claim 13 must be clearly shown or the feature(s) canceled from the claim(s). No new matter should be entered. See also Specification Objection.
4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
5. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

### ***Specification***

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis is lacking for the following terms found in the claims:

- spigot-facing surface;
- recess seat-facing surface;
- and gland-facing surface (the three terms pertaining to the compressible body);
- back portion;
- gland-meeting area;
- and seat-meeting area (the three terms pertaining to the locking member) as claimed particularly in claim 13.

### ***Claim Objections***

7. Claim 1 is objected to because of the following informalities:

- In claims 4 and 6 Examiner suggests the use of a transitional phrase such as --wherein-- after "Claim 1,".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 1. It is unclear to the Examiner whether the Applicant is claiming the combination of a restraining gasket and a first and second pipe portion or the subcombination of the restraining gasket. The first and second pipe portion are recited as functional language in the preamble of the claim but are later positively recited within the body of the claims. Examiner has interpreted the claims as being directed to the combination of the restraining gasket and the first and second pipe portions.

Re: claim 1. Claim 1 recites the limitation "the exposed tooth" in line 2 from the bottom of the claim. There is insufficient antecedent basis for this limitation in the claim. The limitation of "an *exposable* tooth" was previously claimed.

Re: claim 2. Claim 2 recites the limitations "said compression gland" and "such pressures" in last line of the claim. There is insufficient antecedent basis for these limitations in the claim.

Re: claim 3. Claim 3 recites the limitation "such pressures" in lines 2 and 3 from the bottom of the claim. There is insufficient antecedent basis for this limitation in the claim.

Re: claims 7 and 11. Claims 7 and 11 recite the limitation "said locking members" in line 1 of claim 7 and in the last line of claim 11. There is insufficient antecedent basis for this limitation in the claim.

Re: claim 7. Claim 7 recites the limitation "said recess seat surface" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Re: claim 9. Claim 9 recites the limitation "said second assembled pipe portion" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Re: claims 13 and 15. Claims 13 and 15 recite the limitation "said recess-meeting area" in line 2 from the bottom of claim 13 and in line 1 of claim 15. There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Percebois et al. Percebois et al. show in figure 1 a restraining gasket capable of being used in a stuffing box assembly when connecting a first pipe portion 1 to a second pipe portion 11 the restraining gasket comprising: a compressible body 16 having a spigot-facing surface shown in the area of element 17, a recess seat-facing surface shown to

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the right of element number 15, and a gland-facing surface shown between element numbers 18 and 19 and a locking member 15,18 the member having an exposable tooth portion 18 and an embedded body portion wherein at least a portion of the exposable tooth portion is positioned to engage the first pipe 1 as shown in figure 1.

Re: claims 2 and 3. Percebois et al. show in figure 1 a restraining gasket wherein the locking member 15,18 is adapted to pivot (via the contour of element number 11) in response to a force tending to separate the first pipe portion from the second pipe portion, and wherein the locking member is adapted to resist movement between the first pipe portion and a compression gland 2 in the event of such pressures via the engaging exposable tooth portion 18. The locking member is urged into a secured relationship with the first pipe portion 1 upon compression of the gland 2 against the gland-facing surface shown between element numbers 18 and 19 via elements 8 and 9.

Re: claim 4. Percebois et al. show in figure 1 the locking member 15,18 having a back portion shown in the area of 17 disposed in proximity to the gland-facing surface and to the second pipe portion 11.

Re: claim 5. Percebois et al. show in figure 1 the back portion being adapted to interpose between (in the radial direction) an unnumbered lip shown in the area of element number 7 of the gland 2 and the second pipe portion 11.

Re: claims 6-12. Percebois et al. show in figure 1 the locking member 15,18 having a facing elbow shown between element numbers 10 and 21A disposed in proximity to the gland-facing surface and an upper protrusion or corner region of the

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locking member shown in the area between lines associated with element numbers 16 and 25 the upper protrusion being disposed in proximity to the recess seat-facing surface as shown in figure 1. The facing elbow is adapted to resistively contact the compression gland via elements 8 and 9. The upper protrusion is adapted to resistively contact the second pipe portion via element 16.

Re: claims 13-16. Percebois et al. show in figure 1 a restraining gasket capable of securing the ends of intersected assembled pipe portions, the gasket comprising a compressible body 9,16 adapted to encircle a spigot end of a first pipe length 1 and adapted to fit within a bell end of a second pipe length 2, the gasket having a spigot-facing surface shown in the area of element number 17, a gland-facing surface (facing gland 8) shown between element numbers 18 and 19, and a recess seat surface shown between element numbers 15 and 25, the compressible body having embedded therein a locking member 15,18 having a toothed edge 18, a gland meeting area shown in the area between element numbers 18 and 19, and a seat-meeting area shown in the area between element numbers 15 and 25, the toothed edge 18 being disposed in proximity to the spigot facing surface, the gland meeting area disposed in proximity to the gland-facing surface, and the recess-meeting area disposed in proximity to the recess seat surface as shown in figure 1.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents: 5197768 to Conner, 5269569 to Weber et al.,




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5332043 to Ferguson, 6019396 to Saito et al., and 5335946 to Dent et al. teach the use of a restraining gasket with exposable teeth engaging a portion of a first pipe. Japanese Patent 52-29625 teaches the use of the assembly of the gasket restraining means.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Oberleitner can be reached on 703-308-2569. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
DOUGLAS C. BUTLER  
PRIMARY EXAMINER

9/18/01

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mmb  
September 17, 2001